

LICENSING SUB-COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON TUESDAY, 21ST MARCH, 2017 AT 10.00 AM

MEMBERSHIP

Councillors

G Hyde - Killingbeck and Seacroft;

G Wilkinson - Wetherby;

THIRD MEMBER TO BE CONFIRMED

Agenda compiled by: Governance Services Civic Hall LEEDS LS1 1UR

Tel No: 37 88662

AGENDA

Item No	Ward	Item Not Open		Page No
			PRELIMINARY PROCEDURES	
			ELECTION OF THE CHAIR	
2			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS	
			To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)	
			(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

ltem No	Ward	Item Not Open		Page No
3			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC	
			To highlight reports or appendices which:	
			a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.	
			b) To consider whether or not to accept the officers recommendation in respect of the above information.	
			c) If so, to formally pass the following resolution:-	
			RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information	
			To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.	
4			LATE ITEMS	
			To identify any applications as late items of business which have been admitted to the agenda for consideration	
			(the special circumstances shall be identified in the minutes)	

Item No	Ward	Item Not Open		Page No
5			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS	
			To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
			<u>HEARINGS</u>	
6	Armley		"MORRISON'S DAILY" - APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR MORRISONS DAILY PETROL FILLING STATION, SWINNOW ROAD, SWINNOW, LEEDS, LS13 4DN	1 - 18
			To consider the report of the Head of Elections, Licensing and Registration on an application for the grant of a premises licence, made by Wm Morrison Supermarkets PLC, for Morrisons Daily Petrol Filling Station, Swinnow Road, Swinnow, Leeds, LS13 4DN	
7	Garforth and Swillington		"MARSTONS" - APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR MARSTONS, PARKINSON APPROACH, GARFORTH, LEEDS, LS25 2HR	19 - 44
			To consider the report of the Head of Elections, Licensing and Registration on an application for the grant of a premises licence, made by Marstons Plc, for Marstons, Parkinson Approach, Garforth, Leeds, LS25 2HR.	

Item No	Ward	Item Not Open		Page No
			Third Party Recording Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda. Use of Recordings by Third Parties – code of practice a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.	



Agenda Item 6



Report author: Miss Jane Wood 0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 21st March 2017

Subject: Application for the grant of a premises licence for Morrisons Daily Petrol Filling Station, Swinnow Road, Swinnow, Leeds, LS13 4DN

Are specific electoral Wards affected?	⊠ Yes	☐ No
If relevant, name(s) of Ward(s): Armley		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	⊠ No
Is the decision eligible for Call-In?	Yes	⊠ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:	☐ Yes	⊠ No
Appendix number:		

Summary of main issues

This is an application for the grant of a premises licence, made by Wm Morrison Supermarkets PLC, for Morrisons Daily Petrol Filling Station, Swinnow Road, Swinnow, Leeds, LS13 4DN.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons and responsible authorities.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the premises

2.1 This is the first application for a premises licence for these premises which operates as a petrol filling station and a convenience store.

3 The application

- 3.1 The applicant's name is Wm Morrison Supermarkets Plc
- 3.2 The proposed designated premises supervisor is Kelly Louise Nichols
- 3.3 In summary the application is for:

Supply of Alcohol for Consumption Off the premises

Everyday: 00:00 – 23:59

Late Night Refreshment

Everyday: 23:00 – 05:00

Non standard timings

The applicant does not propose to carry out any Non-Standard Timings

4 The operating schedule

4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule **Appendix A**.

5 Location

5.1 A map which identifies the location of these premises is attached at **Appendix B.**

6 Representations

6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

Representations have been received from the Planning Department in their capacity as a responsible authority which may be found at **Appendix C**. This is still outstanding and remains a matter for Members consideration.

- 6.3 Other representations
- The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- The Licensing Authority is in receipt of a representation from a local resident who has expressed concerns regarding public nuisance and crime and disorder.
- 6.6 (In order to protect personal data, redacted copies of the representations are attached at **Appendix D**. Unredacted copies will be available at the hearing for Members consideration.

7 Licensing hours

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 7.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix E**.

8 Equality and diversity implications

8.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

9 Options available to Members

- 9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - Grant the application as requested.
 - Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Exclude any licensable activities to which the application relates.
 - Refuse to specify the said person as the designated premises supervisor.
 - Reject the whole or part of the application.

9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

10 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

Continued from previous page					
THURSDAY					
	Start 00 00	End 24 00			
	Start	End End			
FDIDAY	July 1				
FRIDAY	C++ 00 00	F 1 24 00			
	Start 00 00	End 24 00			
	Start	End			
SATURDAY					
	Start 00 00	End 24 00			
	Start	End			
SUNDAY					
	Start 00 00	End 24 00			
	Start	End			
State any seasonal varia	tions				
•		cur on additional days during the summer months			
Tor example (but not ex	——————————————————————————————————————	and off additional days during the summer monars			
		es to be open to the members and guests at different times from			
those listed in the colum					
For example (but not ex	clusively), where you wish the activ	ity to go on longer on a particular day e g Christmas Eve			
Section 18 of 19	4 ~ 1	4			
LICENSING OBJECTIVES					
Describe the steps you intend to take to promote the four licensing objectives					
a) General – all four licensing objectives (b,c,d,e)					
List here steps you will take to promote all four licensing objectives together					
All staff engaged in the s	All staff engaged in the sale of alcohol will be trained in accordance with the premises licence holder s training procedures				
b) The prevention of crime and disorder					
All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of					

Continued from previous page		
age "Challenge 25" scheme to be applied on the premises The following forms of identification are acceptable photo		
driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally		
approved form of identification		
CCTV shall be provided on the premises and shall be kept in good working order		
All checkout operators will operate a refusal log		
c) Public safety		
The premises licence holder undertakes ongoing risk assessments in order to comply with Health & Safety Legislation		
d) The prevention of public nuisance		
The premises are responsibly managed and supervised No additional measures are believed necessary		
e) The protection of children from harm		
All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of		
age 'Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable photo		
driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally		
approved form of identification		
Till prompts are in use at the store		
Section 19 of 19		
PAYMENT DETAILS		
This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card		
The premises licence fee is based on the non domestic rateable value of the premises these fees are		
Non domestic rateable value £4,300 or less - £100		
Non domestic rateable value between £4,301 and £33,000 - £190		
Non domestic rateable value between £33,001 and £87,000 - £315		
Non domestic rateable value between £87,001 and £125,000 - £450		
Non domestic rateable value £125,001 or more - £635		
If the premise▲ non domestic rateable value is £87,001 or more and the premises is used exclusively or primarily for the		
cumply of alcohol for concumption on the promises the fee for this application is		
supply of alcohol for consumption on the premises the fee for this application is		
Non domestic rateable value between £87,001 and £125,000 - £900		
Non domestic rateable value between £87,001 and £125,000 - £900 Non domestic rateable value £125,001 or more - £1905		
Non domestic rateable value between £87,001 and £125,000 - £900 Non domestic rateable value £125,001 or more - £1905 If this application is for a community premises e g a village hall or community centre and the application does t include		
Non domestic rateable value between £87,001 and £125,000 - £900 Non domestic rateable value £125,001 or more - £1905 If this application is for a community premises e.g. a village hall or community centre and the application does■ t include the sale of alcohol as an activity there is no fee payable		
Non domestic rateable value between £87,001 and £125,000 - £900 Non domestic rateable value £125,001 or more - £1905 If this application is for a community premises e g a village hall or community centre and the application does■ t include the sale of alcohol as an activity there is no fee payable If the premises will have 5,000 people or more in attendance at any one time there is an additional fee payable which we w		
Non domestic rateable value between £87,001 and £125,000 - £900 Non domestic rateable value £125,001 or more - £1905 If this application is for a community premises e.g. a village hall or community centre and the application does■ t include the sale of alcohol as an activity there is no fee payable		

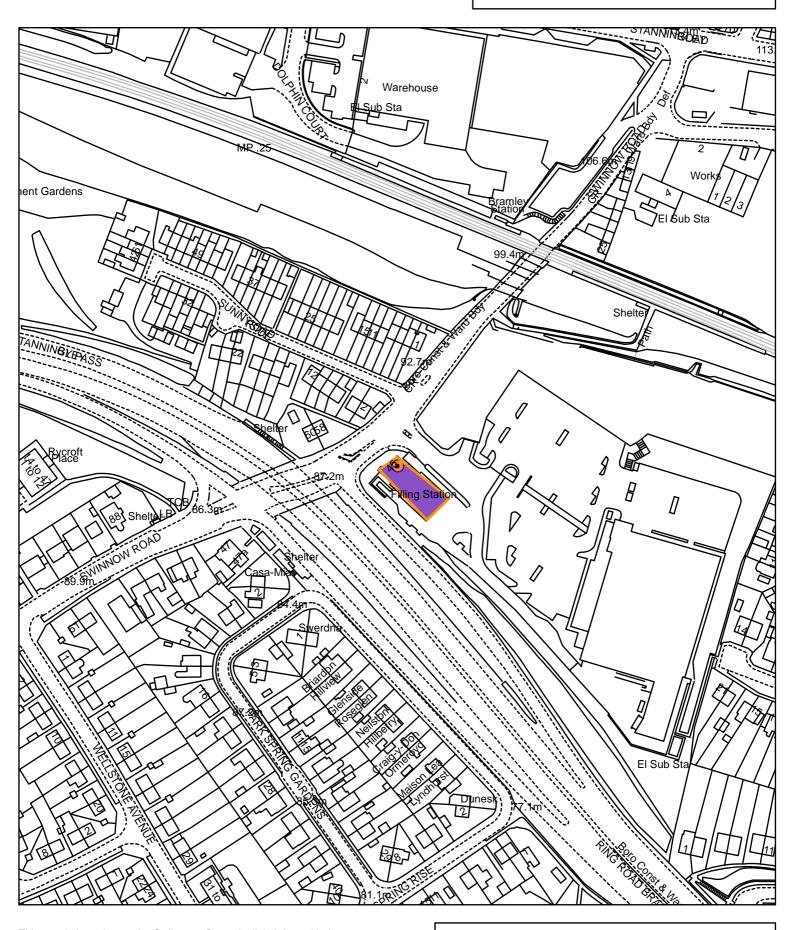
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* Fee amount (£)

DECLARATION

635 00

Appendix B



This map is based upon the Ordinance Survey's digital data with the permission of the Ordinance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key



خلا قدید اد

Leeds

City Development Department

The Leonardo Building 2 Rossington Street LEEDS LS2 8HD

Fax 0113 2478230

Your Ref

Our Ref Licence Applications

WM Morrisons Supermarkets PLC Hilmore House Gain Lane Bradford BD3 7DI

Dear Sır/Madam,

Subject APPLICATION FOR PREMISES LICENCE

PART A

Thank you for submitting your application for licensed activities at

Name of venue - Morrisons Daily Petrol Filling Station

Address - Swinnow Road, Leeds 13 4DN

We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority

The premises were granted application for the erection of a petrol filling station with klosk petrol pump canopy and underground storage tanks in February 1994 subject to a condition restricting the hours of use of the premises. The proposed hours of use set out in your premises license application exceed those allowed by the planning permission. The Development Department objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers as a result of the comings and goings of customers and their motor vehicles, from customers congregating on the street in the vicinity of the building and from activities within the building It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance

The City Development Department considers that the extended opening hours proposed are unlikely to be acceptable and that a Premises Licence should not be granted outside the hours specified in the existing planning permission unless and until an express planning permission or a Certificate of Lawful Development is obtained by the operator of the premises to extend those operating hours. If you are willing to amend your application to the hours as specified in the existing planning permission, details of which are contained in Part B, then we shall withdraw our objection.

PART B Licensing Act 2003 – Application for Premise Licence
On behalf of
Morrisons Daily Petrol Filling Station
For the premises known as and located at
Swinnow Road, Leeds 13 4DN
I am the applicant / representative authorised by the applicant (delete as appropriate)
In signing this document I request that the Licensing Authority accept this letter signifying my wishes to amend the application to reflect the hours as detailed in the existing planning consent, as follows
Planning permission for the erection of a petrol filling station with kiosk petrol pump canopy and underground storage tanks (permission ref 24/297/93/FU dated 09-02-1994) subject to the following condition
THE OPENING HOURS OF THE PREMISES SHALL BE RESTRICTED TO 0700 TO 2200 MONDAY TO SATURDAY AND 0700 TO 2200 ON SUNDAYS
THE REASON FOR THE CONDITION IS IN THE INTERESTS OF AMENITY OF NEARBY RESIDENTS

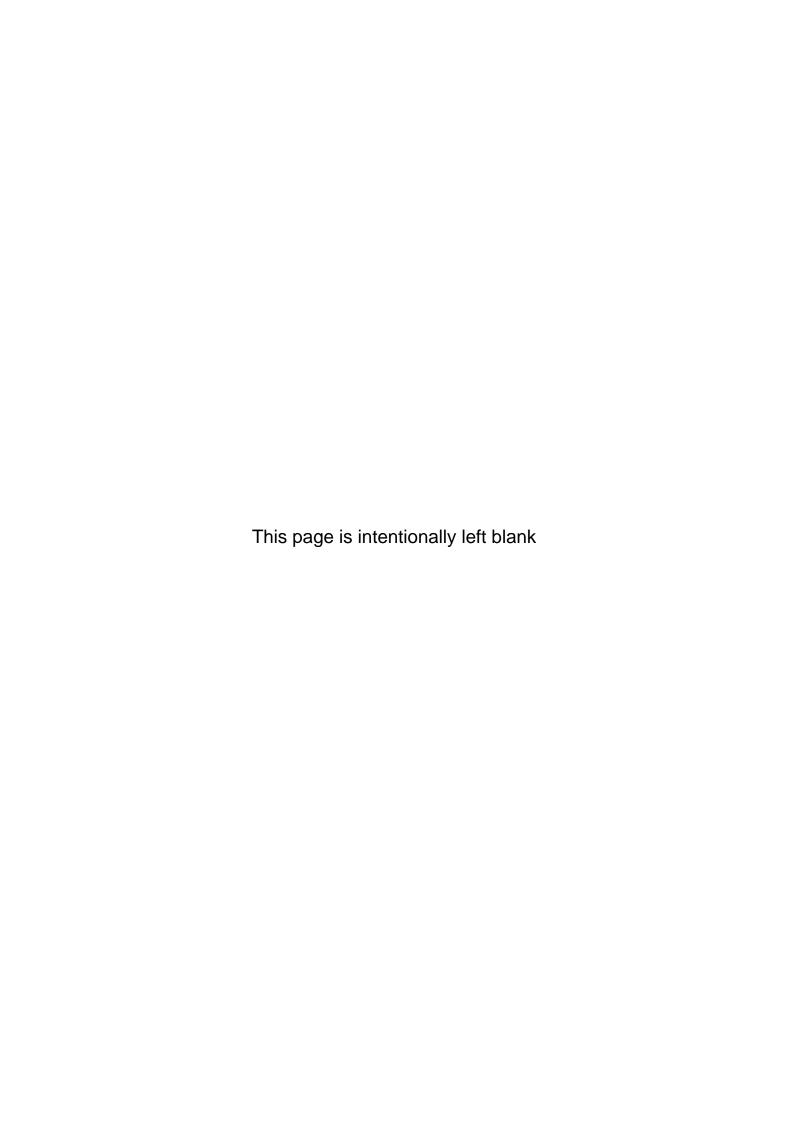
Signed Dated

Please return this document to

Development Department The Leonardo Building 2 Rossington Street LEEDS LS2 8HD Thank you for your assistance in this matter

Yours faithfully

Principal Compliance Officer



From:

Sent:

23 February 2017 11:33

To:

Subject:

Ref:A80/PREM/03953/001



In response to your letter dated 17/2/2017, I would like to highlight reason why this application for a premises license should be declined.

- 1: there are Highrise flats in the area
- 2: nuisance behaviour by having more alcohol retailers in the area
- : more crime from public been able to buy more alcoholite encouraging drink driving
- 4: public safety i.e. Mini roundabouts located outside premises and more risk of accidents. Accident occurring veryday and more chance if this license gets approved as more customer entering the garage on a daily bases.

At the moment there are 5 retailers supplying alcohol i.e.

Hough lane one stop

Morrison supermarket

Best one

Co-op

Swinnow lane one stop

So there is no reason to have another premise to buy alcohol. Also I don't understand the benefit of having offlicence in both superstore and petrol garage

I look forward to hearing your response Thank you

Sent from my iPhone

ENTERTAINMENT LICENSING

2 3 FEB 2017

RECEIVED





10 February 2017

Leeds City Council
Entertainment Licensing Section
Civic Hall
LEEDS
LS1 1UR

Dear Sirs

Re Morrisons Ltd Licensing Application

We have seen the notice attached to the premises at Morrisons Daily Petrol Filling Station at Swinnow Road Leeds LS13 4DN and wish to register our objection to the proposal on the following specific grounds.

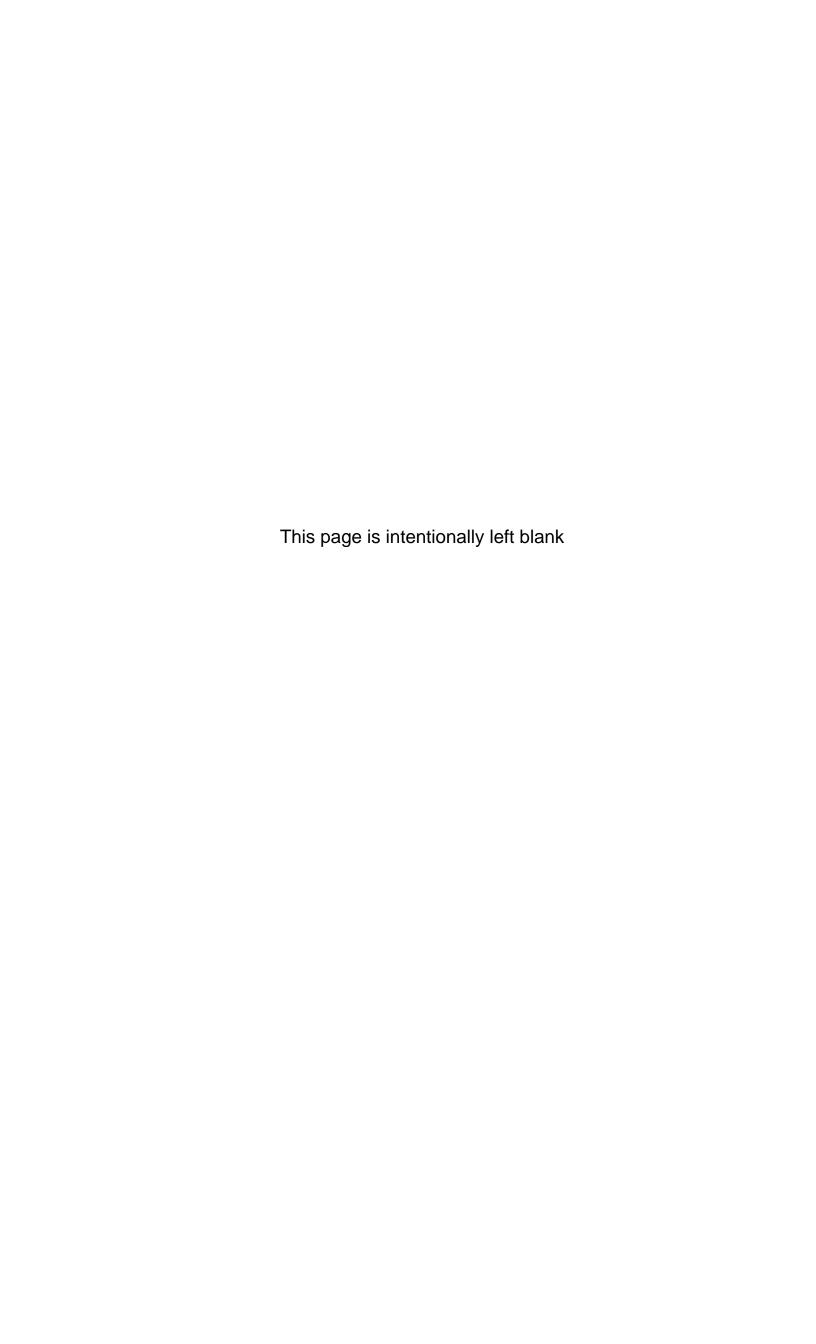
- 1. We are the proprietors of an off-licence and convenience store known a premises licence. We are situated within 75 yards of the petrol station. We have built up this business over the period of approximately 6 years despite our trying to compete with the Supermarket which already has a premises licence.
- 2. We have a second licensed retail outlet further up. We are Council Tenants and any drop in income may have a disastrous effect on our viability as a business. As the Council is our landlord, and is also the licensing authority, we are concerned that there is a conflict of interest and that the grant of a licence by the Council to the applicant will be to the detriment of our business and to the prejudice of our position as a tenant.
- 3. There are already several licensed premises locally, namely the Co-op and at least three public houses all within reasonable walking distance which provide adequate availability to buy liquor. There are other licensed premises on Stanningley Road both north and south being on- and off- licences
- 4. The competition for the sale of alcohol is extremely stiff particularly for small businesses which are already struggling to survive against the bulk buying power of the supermarkets
- 5. The selling of liquor in a petrol station on a 24 hour basis is not, in our view, any help in the fight against irresponsible drinkers/drivers.

6. The second part of the application is for a late night refreshment licence between 11pm and 5am. This will render the petrol filling station a location for the general public to congregate during unsocial hours. It is well known that the crime statistics for the area are quite high and this meeting place will encourage the assembly of people without restriction and that alcohol will be readily available on site. This is not to the advantage of the area in general.

We trust our objection will be given due consideration

Yours faithfully





Issued premises licences and club certificates within an area



PREM/00307/013 - Morrisons, Swinnow Road, Swinnow, Leeds, LS13 4DN

Sale by retail of alcohol

Every Day 06:00 - 00:00

PREM/00222/002 - Barnleigh, 118 Swinnow Road, Swinnow, Leeds, LS13 4NX

Sale by retail of alcohol	
Every Day	11:00 - 00:00
Provision of late night refreshment	
Every Day	23:00 - 00:00

Exhibition of a film

Every Day 11:00 - 00:00

Indoor sporting events

Every Day 11:00 - 00:00

Performance of live music

Every Day 11:00 - 23:00

Performance of recorded music

Every Day 11:00 - 00:00

PREM/03128/001 - Fourways Corner Shop, 47 Swinnow Road, Swinnow, Leeds, LS13 4NY

Sale by retail of alcohol

Monday to Saturday	08:00 - 21:00
Sunday	10:00 - 21:00



Agenda Item 7



Report author: Miss Jane Wood

0113 378 5029

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 21st March 2017

Subject: Application for the grant of a premises licence for Marstons,

Parkinson Approach, Garforth, Leeds, LS25 2HR

Are specific electoral Wards affected?	⊠ Yes	☐ No
If relevant, name(s) of Ward(s): Garforth & Swillington		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	⊠ No
Is the decision eligible for Call-In?	Yes	⊠ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:	☐ Yes	⊠ No
Appendix number:		

Summary of main issues

This is an application for the grant of a premises licence, made by Marstons Plc, for Marstons, Parkinson Approach, Garforth, Leeds, LS25 2HR.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons and a responsible authority.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

2 History of the premises

2.1 This is the first application for a premises licence for these premises which has yet to be built. The premises will operate as a public house providing food and entertainment.

3 The application

- 3.1 The applicant's name is Marstons Plc
- 3.2 The proposed designated premises supervisor is Mr Steve Roberts
- 3.3 In summary the application is for:

Films

Indoor Sporting Events

Live Music

Recorded Music

Performance of Dance

Supply of Alcohol – for consumption both on and off the premises

Monday to Thursday	10:00 — 00:00
Friday & Saturday	10:00 - 01:00
Sunday	11:00 - 00:00

Late Night Refreshment

Sunday to Thursday	23:00 — 00:00
Friday & Saturday	23:00 - 01:00

Non standard timings

To permit the sale of alcohol and such regulated entertainment as authorised until 01:00 on Friday, Saturday, Sunday and Monday Bank Holiday weekends, Christmas Eve and Boxing Day.

To permit the sale of alcohol and regulated entertainment on New Years Eve commencing 10:00 until 01:00 on the 2nd January.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing

to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

For customers, hours of opening are from 07:00 through until 30 minutes after the cessation of licensable activities so as to facilitate the provision of breakfast.

All outside areas including the landscaped gardens, play area, beer garden area and patio area are intended to be licensed. The beer garden and patio area will have the benefit of waitress service and provide overflow for diners.

4 The operating schedule

4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule which is attached at **Appendix A**.

5 Location

5.1 A map which identifies the location of these premises is attached at **Appendix B.**

6 Representations

6.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

Representations from Responsible Authorities

- Representations have been received from the planning department in their capacity as a responsible authority which may be found at **Appendix C**.
- Any representation may be negotiated prior to the hearing. In this instance the operating schedule has been amended to include the measures agreed with Environmental Health. A copy of the agreement may be found at **Appendix D**.

Other representations

- The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- A representation has been received from a member of the public who has expressed concerns with regards to public nuisance. The Ward Councillor has also submitted an objection raising concerns regarding crime and disorder and public nuisance.
- In order to protect personal data, redacted copies of the representations are attached at **Appendix E**. Unredacted copies will be available at the hearing for Members consideration.

7 Licensing hours

- 7.1 Members are directed to paragraphs 6.8 to 6.15 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 7.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 7.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 7.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix F**

8 Equality and diversity implications

8.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

9 Options available to Members

- 9.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - Grant the application as requested.
 - Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Exclude any licensable activities to which the application relates.
 - Refuse to specify the said person as the designated premises supervisor.
 - Reject the whole or part of the application.
- 9.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

10 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy

Describe the steps you intend to take to promote the four licensing objectives

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 9)

This is an application for a new Premises Licence to be constructed on Aberford Road, Garforth and will sit between the existing petrol station and the new entry point to the Lidl Superstore. The premises will have the benefit of some 14 car parking spaces dedicated to it but will have access to those car parking spaces provided for the new retail development. The layout has been particularised on the plans annexed and has the benefit of external areas which are sought to be licensed. It will offer food both internally and externally

Marston's Pic have constructed many premises of this nature and on this occasion it is intended that the premises will operated under the brand of Two for One with Pizza Milestone with a Rotisserie The premises will be supported by family friendly facilities including both internal and external play areas

The above is provided by way of explanation and not intended to be converted into conditions

b) The prevention of crime and disorder

The applicant has undertaken a risk assessment in connection with the operation of this unit taking into consideration the area in which it is located and their previous experience of units of this nature and their operation and impact on the immediate vicinity

With regards to the prevention of crime and disorder the applicant would offer the following steps in order to address this issue $\,$ -

- Alcoholic drinks may not be removed from the premises in open containers saved for consumption in external areas provided for that purpose
- 2 No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to premises at anytime the premises are open to the public
- It is considered that for the nature of the operation door supervisors will not be required however, the Designated Premises Supervisor will undertake a risk assessment should unusual events takes place and if they consider it appropriate will employ the same
- 4 Any persons exercising security (as defined by paragraph 21a of schedule 2 of the Private Security Act 2001 shall be licensed by the Security Industry Authority)
- 5 Such person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence
- A CCTV system shall be installed so as to cover the main point of entry and the bar servery, such images are to be retained for 30 days and to be available upon reasonable request

c) Public safety

The applicant has undertaken a risk assessment with regard to public safety

As this is a New Build all equipment will be to the latest standard and will be British Standard approved

The applicant will ensure that fixtures and fittings provided to the premises will be of an appropriate nature

The applicant undertakes to comply with reasonable requirements of the Building Control Officer. In any event, the approval of these statutory authorities will be required before the premises can open to the public

Proposed condition -

The Premises Licensee will comply with the reasonable requirements of the Fire Officer from time to time

d) The prevention of public nuisance

The applicant has undertaken a risk assessment with regards to public nuisance

The applicant proposes conditions as follows -

- Where appropriate prominent and legible notices shall be displayed at all exists requesting the public to respect the needs of the local residents and to leave the premises and area quietly
- 2 The doors and windows to the premises are to be double glazed

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply No unusual or additional risk of harm to children have been identified

Converted to Word by John Gaunt & Partners Licensing Solicitors

- No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification
- 2 Children under the age of 16 shall not be permitted to enter or remain at the premises after 22 00 unless resident, dining with an adult or attending a pre booked function
- 3 The premises shall operate Challenge 21

		Please tick ✓ Yes
•	I have made or enclosed payment of the fee	\boxtimes
•	I have enclosed the plan of the premises	\boxtimes
•	I have sent copies of this application and the plan to responsible authorities and	\boxtimes
	others where applicable	
•	I have enclosed the consent form completed by the individual I wish to be premises	\boxtimes
	supervisor, if applicable	
•	I understand that I must now advertise my application	\boxtimes
•	I understand that if I do not comply with the above requirements my application will be i	rejected 🛛

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (Please read guidance note 11) If signing on behalf of the applicant please state in what capacity

Date
Capacity

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (Please read guidance note 12) If signing on behalf of the applicant please state in what capacity

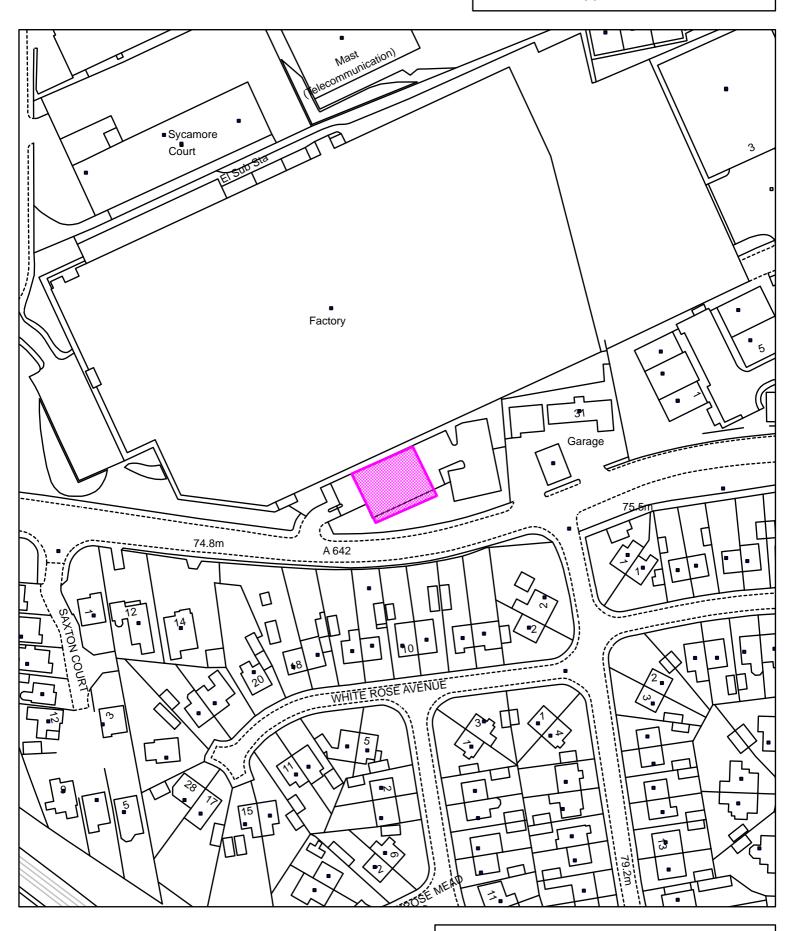
Signature John Gaunt & Partners

Date

Capacity Solicitors

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)
John Gaunt & Partners
Omega Court
372 Cemetery Road
mhazlewood@john-gaunt co uk

Post town
Sheffield
Post code
S11 8FT



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Key





Marstons PLC
Marston House
Brewery Road
Wolverhampton
WV1 4JT

City Development Department

The Leonardo Building 2 Rossington Street LEEDS LS2 8HD

C T

Fax 0113 2478230

Your Ref
Our Ref Licence Applications

Date 17th February 2017

Dear Sır/Madam,

Subject APPLICATION FOR PREMISES LICENCE

PART A

Thank you for submitting your application for licensed activities at

Name of venue - Marstons

Address - Parkinson approach, Garforth, Leeds, LS25 2HR

We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority

The premises were granted permission reference number 16/00749/OT for the hybrid application for demolition of existing buildings and for full planning permission to erect food store (Use Class A1) including associated access parking and landscaping and outline planning permission for retail development (Use Class A1) and public house (Use Class A4) in November 2016. A condition advising that the opening hours of the premises shall be agreed in advance of the building being brought into use and shall thereafter only open in accordance with the approved detail was imposed.

The condition was imposed in the interests of amenity in accordance with the saved UDP Review (2006) Policy GP5

The City Development Department have not discharged this condition on the planning approval and have not agreed acceptable opening hours for the premises subject of this license application



The City Development Department objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers as a result of the comings and goings of customers and their motor vehicles, from customers congregating on the street in the vicinity of the building and from activities within the building. It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance.

The City Development Department considers that the opening hours proposed are unlikely to be acceptable and that a Premises Licence should not be granted until the hours can be agreed as part of the discharging of the condition stipulated on the planning approval

Thank you for your assistance in this matter

Yours faithfully

Principal Compliance Officer

From

Sent

06 March 2017 10 19

To

Subject

FW Marston's Garforth New Build, Parkinson Approach, Garforth

Hi Jane

We have reached an agreement with the applicants on the conditions to be implemented within the licence. These are outlined below, therefore I withdraw the representation

regards

Environmental Health Officer Environmental Protection Millshaw Park Way I eeds 311 0LS

Tel

From

Sent 02 March 2017 10 51

To

Subject Marston's Garforth New Build, Parkinson Approach, Garforth

Dear Sirs

We refer to your representation dated 21 February and our subsequent telephone conversation on the 28th February

We thank you for considering the proposed amendments to the conditions within the representation and would suggest that the following conditions should be added to the operating schedule

- Noise from a licensable activity at the premises will not cause nuisance to the nearest noise sensitive premises at Bar Lane and White Rose Avenue
- 2 There shall be no external loudspeakers
- 3 Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties
- 4 Noise from plant or machinery shall not cause a nuisance to the nearest noise sensitive premises during the operation of the plant or machinery Plant and machinery shall be regularly serviced and maintained to meet this level
- 5 The PLH/DPS will ensure patrons use beer gardens external areas and play areas in a manner which does not cause disturbance to nearby residents and business in the vicinity Patrons will not undertake licensable activities in such areas after 11 pm
- The activities of persons using the external areas shall be monitored and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary
- 7 The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises

8 Clear and legible notices will be displayed at exits car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents in particular emphasising the need to refrain from shouting slamming car doors sounding horns and loud use of vehicle stereos and anti-social behaviour

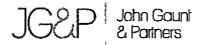
We would be grateful if you could confirm that you are agreeable to the proposed amendments and if so we would be grateful if you could advice the Licensing Authority as to the terms of the agreement and that your representation on this basis is withdrawn

As discussed on the telephone we understand that the application is schedule for hearing on 21 March and we would hope to avoid the Licensing Authority undertaking unnecessary preparatory work if at all possible

Yours sincerely

Michelle Hazlewood

Partner Sent by Sue McCourt



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

Premises Licences | Personal Licences | DPS Changes | Temporary Event Notices APLH Courses | Reviews | Due Diligence | Betting and Gaming | eLearningPlus

For more details on our services please click on the links above

Partners John Gaunt (569711) Katharine Redford (569712) Tim Shield (569713) Michelle Hazlewood (569714) Christopher Grunert Practice Manager Jonathan Pupius

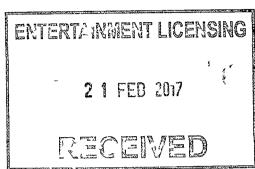
John Gaunt & Partners authorised and regulated by the Solicitors Regulation Authority SRA No. 173393

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This email is intended to be confidential to the person to whom it is addressed and may be legally privileged. If you are not the intended recipient please contact us by email or telephone and please delete the message from your system immediately. Any unauthorised disclosure of information contained in this communication is strictly prohibited. We use the word partner to refer either to a partner of John Gaunt & Partners (the firm.) an office holder in a partner or an employee of the firm with equivalent standing and qualifications.

This message has been scanned for viruses and dangerous content and is believed to be clean

Marstons Plc Marstons House Brewerv Road Wolverhampton **WV1 4JT**



Environmental Protection Team Leeds City Council Millshaw Park Way Leeds **LS11 0LS**

Contact Our reference PREM/03951/001 21 February 2017

Dear Sır / Madam

Licensing Act 2003 Name and Address of Premises Marston's Public House, Parkinson Approach, Garforth, Leeds, LS25 2HR,

We refer to your licensing application for the above premises We believe you have not given enough information about how you intend to meet a licensing objective, which is to prevent public nuisance We therefore submit a formal objection to your application that includes information specifically associated with the premises and the area

You could meet the objective by agreeing to certain measures that we suggest are reasonable and relevant to your application Please see part 1 of the enclosed document

If you agree with the measures please complete and sign part 2 of the enclosed form and return it to us as soon as possible Once we receive the form we will take it that you wish the licensing authority to amend your operating schedule to include those measures as conditions on the licence If you disagree with the suggested measures then please complete part 3 and return it to us as soon as possible

If you feel we should consider anything else or you have any questions please do not hesitate to contact us

If the opening hours you propose under this application differ to those on the current planning approval then you should also apply to Planning Services to vary the hours If you operate without planning permission you may have not met the relevant planning condition You can contact Planning Services on 0113 222 4409

Yours faithfully

general enquiries 0113 222 4444

www leeds gov uk



Environmental Health Officer

PART 1

To be completed by the responsible authority

Leeds City Council's Environmental Action Service
Proposed Controlled Measures under the Licensing Act 2003
Name and Address of Premises Parkinson Approach, Garforth, Leeds, LS25 2HR,

This is a new premises however there are residential properties which back onto Aberford Road opposite the proposed public house. The applicants wish to carry on licensable activities until 1am Fridays and Saturdays and until midnight on weekdays. Therefore there is potential for disturbance from music and patrons in external areas.

Having considered the application under the Licensing Act 2003 for the above premises, we consider that the following measures are relevant and reasonable in order to meet the following aim of the licence

Prevention of public nuisance

Noise and Vibration

- 1 Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises at Bar Lane and White Rose Avenue
- 2 There shall be no external loudspeakers
- 3 Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties
- 4 Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level
- 5 The PLH/DPS will ensure patrons use beer gardens, external areas and play areas in a manner which does not cause disturbance to nearby residents and business in the vicinity Patrons will not use such areas after 11 pm
- 6 The activities of persons using the external areas shall be monitored and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary
- 7 The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises

Litter

8 The PLH/DPS shall ensure that litter arising from people using the premises is cleared away regularly and that promotional materials such as flyers do not create litter

Transport / Pedestrian Movement

9 Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of

- local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour
- 10 The designated premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary
- 11 A facility will be provided for customers to order hackney taxis/private hire vehicles Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises

Signed 21/02/2017



PART 2

To be completed by the responsible authority

Leeds City Council's Environmental Action Service Proposed Controlled Measures under the Licensing Act 2003 Name and Address of Premises Marstonss, Public House, Parkinson Approach, Garforth, Leeds, LS25 2HR,

I/We

confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above

In signing this document I / we agree with the measures proposed by Leeds City Council's Environmental Action Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises

Signed

Dated

PART 3

Name and Address of Premises Marstons, Public House, Parkinson Approach, Garforth, Leeds, LS25 2HR,

I / We

confirm that I am / we are the applicant / the applicant's representative (delete as appropriate) for the premises as stated above

I / We formally advise that we are not prepared to accept the proposed measures as suggested by Leeds City Council's Environmental Action Service

In this instance we understand that Leeds City Council's environmental action service will maintain their representation to my /our application, which will now proceed to a hearing before the licensing sub-committee

Signed

Dated

Please return this document to

Environmental Protection Team Leeds City Council Millshaw Park Way Leeds LS11 0LS



Jw Prem 03951/001



16th February 2017

Your Ref A80/PREM/03951/001

Thank you very much for your reply and explanations

We would just like to reiterate our concerns

Point 2 Why should a 'Family pub' need any more opening hours than already extensively requested? Point 4 Surely a 'Family pub' must have a 'cut-off time' when food stops being served?

And also recap the order of events

(undesired) Super Market with no 'Family pub'

(undesired) Super Market with (undesired) 'Family pub'

(undesired) Super Market with (undesired) 'Family pub' that appears not to be a 'Family pub'

(undesired) Super Market with (undesired) 'Family pub' that appears not to be a 'Family pub' and wants (undesired) opening hours

ease note the word 'undesired' is used quite a lot in the above statements and therefore we would be oliged if you could make our feelings known to the 'Powers That Be' when considering the Licensing

anks again for your time and effort Much appreciated From the Real 'Powers That Be'

Please find enclosed form IPR1



ENTERTAINMENT LICENSING 1 6 FED 2017 RECEIVED



Interested Party Representation



(Form IPR1)	CITY COUNCIL		
Section 1 – Licence application detail	ls		
Please indicate as appropriate I wish to object to the following I wish to support the following			
Applicant name (if known) MARS	ONS PLC		
Applicant premises name and address	PARKINSON APPROACH, GARFORTH, LEEDS, LS25 2HR		
Section 2 – Your personal details			
NB If you are acting as a representativ	e, please go to Section 3		
Title Title	Mr 🗌 Mrs 🗌 Mıss 🔲 Other		
Surname			
First name(s)			
Address (incl postcode)			
Please note that a full copy of your representation (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter Please refer to our Guidance Note – GN-M Guidance on making representations for further information and alternative options			
Soction 2 Popularitative details			
Section 3 - Representative details			
If you are representing someone else ple	ease complete details below		
Name of Representative/ Organisation			
Full postal address (incl postcode)			
Please indicate capacity Representative of Residents Associati Parish Council Trade Association	on		

GN P LA2003 Making a representation doc

Section 4 - Representation grounds			
The representation is relevant to one or more of the following licensing objectives Prevention of crime and disorder Prevention of public nuisance Protection of children from harm Public safety			
Please select			
\square I object to the application being granted at all			
$oxed{ extstyle I}$ I object to the application being granted in its cui	rrent form*		
*If you choose this option remember to tell us in the see	e next section what changes you would prefer to		
The grounds of the representation is based on	the following		
set of times can be agree	and people in the area 2 who if any body will on? More realistic and conducive ed.		
You need to complete this box as fully as possible If you do not the Licensing Authority may not be able to assess the relevance of your representation			
Please attach supporting documents/further pages a pages	s necessary – please number all additional		
Try to be as specific as possible and give examples, the premises between 10pm and 1am. I am concert cause a nuisance to me and other residents of the second	ned that if the premises open until 2am this will treet		
Signed	Date 16th February 2017		



FromDobson, Cllr MarkSent26 January 2017 12 42ToEntertainment Licensing

Subject Re Marstons Application Garforth

Hı

For many years having uniformed opening hours and a DPPO Has meant that street drinking and late night moving from pub to pub in search of a late license has broadly ceased

Having a pub with a weekend license over and above the others will lead to drunkenness in public and have a negative impact on crime in what is, a heavily built up, residential area

Best wishes

Mark

>

Sent from my iPhone

> On 26 Jan 2017, at 12 09, Entertainment Licensing < Entertainment Licen@leeds.gov.uk wrote

> Councillor

> Unfortunately that will not be sufficient to be deemed as valid. It does not hold enough information as to why you are objecting to the application

> Please re-send as to how the opening hours would affect the community/neighbours under the prevention of crime and disorder or prevention of public nuisance

ENTERTAINENT LICENSING

DECEMBED.

> Many thanks

>

>

> Licensing Officer

> Entertainment Licensing

> Leeds City Council

> Tel

> Fax 0113 2243885

> email

> www leeds gov uk

> If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our customer feedback form

> Please note My working days are Tuesday, Wednesday and Thursday

> Please re-direct any correspondence to

> entertainment licensing@leeds gov uk

> >

> -----Original Message ----

```
> From Dobson, Cllr Mark
> Sent 26 January 2017 11 59
> To Entertainment Licensing
> Subject Re Marstons Application Garforth
>
> Hı
> Yes formal objection, to the weekend hours, and I'll go under prevention of crime and prevention of public
> Best wishes
>
> M
> Sent from my iPhone
>> On 26 Jan 2017, at 11 46, Entertainment Licensing <Entertainment Licen@leeds gov uk> wrote
>>
>> Good Morning Councillor
>>
>> Are you wishing to put a formal objection to this application? If so, the representation must be valid under the
Licensing Act 2003 objectives  If representations are received and are deemed as valid, a hearing would be
scheduled before the Licensing sub-committee
>>
>> I have attached guidance with regards to making a valid representation. I have also attached a list of licensed
premises in and around the area for your perusal
>>
>> If I can be of any further assistance on this matter, then please contact me on the number below
>>
>> Kınd regards
>>
>
>> Licensing Officer
>> Entertainment Licensing
>> Leeds City Council
>> Fax 0113 2243885
>> emaıl
>> www leeds gov uk
>>
>> If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our
customer feedback form
>> Please note My working days are Tuesday, Wednesday and Thursday
>> Please re-direct any correspondence to
>> entertainment licensing@leeds gov uk
>>
>>
>> -----Original Message-----
>> From Dobson, Cllr Mark
>> Sent 26 January 2017 09 59
>> To
>> Subject Marstons Application Garforth
>>
>> Hi
```

>> For years we have had a system where pubs of a similar nature in Garforth close at the same time to avoid late night wandering from pub to pub
>> | 'm concerned this application wants until 1 at the weekends | Can this go to the sub panel and can | speak please | Pive copied my ward colleague in but as she sits on Licensing | '| | lead on this obviously | Pive Can | also have closing times at weekends for the other Garforth pubs please | Pive Can | Also have closing times at weekends for the other Garforth pubs please | Pive Can | Also have Closing times at weekends for the other Garforth pubs please | Pive Can | Also have Closing times at weekends | Pive Can | Also have Closing times at weekends | Pive Can | Pive

>> Sent from my iPhone

>>

>> <GN-P LA2003 Making a representation pdf>

>> <Scan_20170126_0189_001 pdf>

Issued premises licences and club certificates within an area



PREM/03941/001	- Lidl, Lothert	ton Way, Garfortl	h, Leeds, LS25 2JY
		-, ,	-,,

Sale by retail of alcohol

Every Day 07:00 - 23:00

PREM/03865/001 - The Hamper Shack, 27 Bar Lane, Garforth, Leeds, LS25 2ED

Sale by retail of alcohol

Every Day 00:00 - 23:59

PREM/03800/001 - Quirky Ales, Unit 3, Ash Lane, Garforth, Leeds, LS25 2GA

Sale by retail of alcohol

Monday to Saturday	09:00 - 23:00
Sunday	12:00 - 23:00
Performance of live music	
Every Day	09:00 - 23:00
Performance of recorded music	
Every Day	09:00 - 23:00

PREM/01431/002 - Bottles N Cans, 25 White Rose Way, Garforth, Leeds, LS25 2EF

Sale by retail of alcohol

Monday to Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

PREM/00481/004 - Tesco Stores Ltd, Aberford Road, Garforth, Leeds, LS25 2DX

Sale by retail of alcohol

Every Day 00:01 - 00:00

PREM/00720 - St Benedicts R C Community, St Benedicts Church And Presbytery, Aberford Road, Garforth, Leeds, LS25 1PX

Sale	by re	tail of	al	col	าดเ
	Mond	lay to	Sa	atu	rda

Monday to Saturday	11:00 - 23:30
Sunday	12:00 - 23:30
Performance of live music	
Monday to Saturday	11:00 - 23:30
Sunday	12:00 - 23:30
Performance of recorded music	
Monday to Saturday	11:00 - 23:30
Sunday	12:00 - 23:30

CPREM/00071/V01 - Garforth Country Club Ltd, Aberford Road, Garforth, Leeds, LS25 1PZ

Supply of alcohol

Monday to Saturday	11:00 - 00:00
Sunday	12:00 - 23:00
Performance of live music	
Monday to Saturday	11:00 - 00:00
Sunday	12:00 - 23:00

Performance of recorded music	
Monday to Saturday	11:00 - 00:00
Sunday	11:00 - 23:00
Performance of dance	
Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30
Entertainment similar to live music, recorded music or dance	
Monday to Saturday	11:00 - 23:00
Sunday	12:00 - 22:30